**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD**
**(Special Original Jurisdiction)**

**WEDNESDAY, THE TWENTY THIRD DAY OF JUNE TWO THOUSAND AND FOUR**

**PRESENT**

**HON'BLE SRI DEVINDER GUPTA,**
**CHIEF JUSTICE**
**and**
**HON'BLE Ms. JUSTICE G.ROHINI**

**WRIT PETITION NO : 9323 of 2004**

**Between:**

Dr. C.L. Venkata Rao, S/o. Late Venkataratnam,
Honorary Secretary,
Indian Medical Association, Hyderabad, Charminar Branch and formerly Member, Medical Council
of India R/o. Flat No. 101, Sai Balaji Apartments, Erramanzil Colony, Hyderabad.

**..... PETITIONER**

AND

1 The Director General of Drugs, Vengalarao Nagar, Hyderabad.
2 Government of A.P. rep by its Principal Secretary, Health, Medical and Family Welfare Department, A.P. Secretariat, Hyderabad.
3 Director General and Inspector General Of Police, Lakdi-ka-pul, Hyderabad.
4 A.P. Medical Council, rep by its Registrar, Koti, Hyderabad.
5 Commissioner, Indian Medicine and Homeopathy, Market Road, Secunderabad.

6 Secretary to Government of India, Department of Ayurveda, Yoga, & Naturopathy,
Unani & Sidda and Homeopathy (AYUSH), Ministry of Health and Family Welfare,
Indian Red Cross Society, Annex Bldg. 1, Red Cross Road, New Delhi.
7 Medical Council of India, rep by its Secretary,
Alwan-e-Ghallb Marg, Kotla Road, New Delhi - 2.
8 Indian Council of Medical Research, rep by its Director General, Anasari Nagar, New Delhi.
9 Drug Controller General of India, Nirman Bhavan, New Delhi - 110 001.
10 Government of A.P. Its Secretary, Revenue Department, A.P. Secretariat,
Hyderabad.
11 Bathima Haranadh Goud & Brothers, Doodh Bowli, Hyderabad - 500 002.

**.....RESPONDENTS**

**Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more in the nature of Writ of Mandamus by (a) declaring the inaction on the part of the Respondents in not taking any steps for preventing the administration of the fish medicine by the 11th Respondent as illegal, arbitrary and contrary to the provisions of "The Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954" and (b) consequentially direct the 10th Respondent to resume back land allotted to the 11th Respondent (C) and to pass such other order or further orders as the Hon'ble Court may deem fit and proper in the circumstances of the**

**case.**

For the Petitioner : MR.K.G.K.PRASAD

For the Respondents : GP FOR MEDICAL, HEALTH & FAMILY WELFARE.
MR.A.Rajasekhar Reddy,
SC for Central Govt.
G.P. For Revenue.
Mr. S. Niranjan Reddy, Advocate.

**The Court Made the Following :**

**ORAL ORDER:**

**( Per Hon'ble The Chief Justice )**

**…..**

**1.** Petitioner filed this petition as public interest litigation thereby bringing to the notice of the court regarding the inaction on the part of the respondents in not taking any steps for preventing the administration of fish medicine to the innocent public in the guise of remedial treatment to the patients of asthma and other lung disorders in the State of Andhra Pradesh by 11th respondent.

2. After mentioning the aforesaid details, petitioner sought direction against respondents to take adequate steps for preventing the administration of fish medicine by 11th respondent as illegal and contrary to the provisions of The Drugs and Magic Remedies (Objectionable Advertisements)

Act, 1954.

3. We are informed by learned counsel for the petitioner that after filing of the writ petition and after notice was served, this year Government issued directions for obtaining samples of fish medicine and to obtain a report on the medicine being administered by respondent No.11.

4. In view of the fact that action has been taken by respondents in obtaining samples of medicine being administered by respondent No.11 and report is awaited, for which Government has constituted a Committee, we are of the view that no useful purpose will be served by keeping this petition pending. We will dispose of this petition at this stage with liberty reserved to the petitioner to approach the court again in the event of Government not taking any action in the matter and we would also direct respondents that on receipt of the report as regards the nature of the medicine, Government will act in accordance with law and in case any violation is found on the part of respondent No.11, Government will take

appropriate steps to prevent administering medicine by respondent No.11. No costs.

**DEVINDER GUPTA. C.J.,**

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**G. ROHINI. J.,**

**Dated: 23.06.2004.**

**VRK.**

To

1 The Director General of Drugs, Vengalarao Nagar, Hyderabad.
2 The Principal Secretary to Govt., Health,
Medical and Family Welfare Department, A.P. Secretariat, Hyderabad.
3 Director General and Inspector General Of Police, Lakdi-ka-pul, Hyderabad.
4 Registrar, A.P. Medical Council,
Koti, Hyderabad.
5 Commissioner, Indian Medicine and Homeopathy, Market Road, Secunderabad.

6 Secretary to Government of India, Department of Ayurveda, Yoga, & Naturopathy,
Unani & Sidda and Homeopathy (AYUSH), Ministry of Health

and Family Welfare,
Indian Red Cross Society, Annex Bldg. 1, Red Cross Road, New Delhi.
7 Secretary, Medical Council of India,
Alwan-e-Ghallb Marg, Kotla Road, New Delhi - 2.
8 Director General, Indian Council of Medical Research,Anasari Nagar, New Delhi.
9 Drug Controller General of India, Nirman Bhavan, New Delhi - 110 001.
10 Secretary to Govt., Revenue Department, A.P. Secretariat, Hyderabad.
11 Bathima Haranadh Goud & Brothers, Doodh Bowli, Hyderabad - 500 002.

12. 2 CCs to G.P. for Medical, Health & Family Welfare, High Court Building, Hyderabad ( OUT ).
13. 2 CCs to G.P. for Revenue, High Court Building, Hyerabad (OUT).
14. 2 CD copies.

**HON'BLE SRI DEVINDER GUPTA,**
**CHIEF JUSTICE**
**AND**
**HON'BLE Ms. JUSTICE G. ROHINI.**

**W.P.NO. 9323 OF 2004**.

**( Order of the Bench delivered by**
**Hon'ble The Chief Justice )**

**Dt: 23.06.2004**.